
No. 07-40814

JAMES MCINGVALE

Plaintiff - Appellant

v.

AGM LLC

Defendant - Appellee

United States Courts
Southern District of Texas
FILED
JUN 09 2008
Michael N. Milby, Clerk of Court

ENTRY OF DISMISSAL

Pursuant to appellant's motion this appeal is dismissed this
4th day of June, 2008, see FED. R. APP. P. 42(b).

CHARLES R. FULBRUGE III
Clerk of the United States Court
of Appeals for the Fifth Circuit

By:

Jim deMontluzin

James deMontluzin, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

DIS-4

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

June 4, 2008

Mr Michael N Milby, Clerk
Southern District of Texas, Galveston
United States District Court
601 Rosenberg
Room 411
Galveston, TX 77550

**United States Courts
Southern District of Texas
FILED**

JUN - 9 2008

Michael N. Milby, Clerk of Court


No. 07-40814 McIngvale v. AGM LLC
USDC No. 3:07-CV-228

Enclosed is a certified copy of the judgment issued as the
mandate.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By:


James deMontluzin, Deputy Clerk
504-310-7679

cc: w/encl:
Ms Monica Schulz Orlando
Mr Jeffrey Lloyd Joyce

MDT-1

United States Courts
Southern District of Texas
FILED

CASE NO. 07-40814

JUN - 9 2008

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Michael N. Milby, Clerk of Court

JAMES MCINGVALE
Plaintiff - Appellant,

U.S. COURT OF APPEALS
FILED

VS.

JUN 03 2008

AGM, LLC
Defendant - Appellee

CHARLES R. EULBRUGE III
CLERK

**On Appeal from the U.S. District Court for the
Southern District of Texas, Houston Division
Trial Court Cause No. G-07-CV-0228
(Consolidated with H-07-CV-2176)**

APPELLANT'S MOTION TO DISMISS APPEAL

**TO THE HONORABLE JUDGES OF THE FIFTH CIRCUIT COURT OF
APPEALS:**

COMES NOW, JAMES MCINGVALE, Plaintiff-Appellant (hereinafter referred to as "MCINGVALE") and pursuant to F.R.A.P. 27 files this his Motion to Dismiss Appeal and would respectfully show unto this Honorable Court as follows:

I.

Basis of Motion

1. This case is on appeal from the U.S. District Court for the Southern District of Texas, Houston Division.
2. This case is scheduled for oral argument on Wednesday, June 4, 2008.
3. No cross-appeals have been filed by Appellee AGM, LLC.
4. Appellant McIngvale no longer desires to further prosecute his appeal for the reason that all matters of fact and things in controversy have been fully and finally compromised and settled by and between the parties herein.
5. Appellant McIngvale moves this Court to dismiss said appeal with prejudice with each party paying their own costs of court and attorney's fees.
6. Counsel for Appellant McIngvale has spoken with counsel for Appellee AGM, LLC and Appellee AGM, LLC is in agreement with this motion.

WHEREFORE, PREMISES CONSIDERED, Appellant McIngvale respectfully requests that: (1) this Court dismiss the pending appeal with prejudice; (2) each party bear his/its own Court costs and attorney's fees; and (3) this Court grant such other and further relief to which Appellant McIngvale may be justly entitled.

Respectfully submitted,

MEYER, KNIGHT & WILLIAMS, L.L.P.

BY: Monica Schulz Orlando/as
MONICA SCHULZ ORLANDO
TBA #00794436
8100 Washington Avenue, Suite 1000
Houston, Texas 77007
Tel 713.868.2222
Fax 713.868.2262

ATTORNEYS FOR APPELLANT,
JAMES MCINGVALE

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2008, a true and correct copy of **Appellant's Motion to Dismiss Appeal** was faxed and e-mailed to Jeff Joyce/Justin Presnal, Winstead, P.C., 919 Milam, Suite 2400, Houston, Texas 77002.

Monica Schulz Orlando/as
MONICA SCHULZ ORLANDO